

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS MILLER,

Defendant.

Case No. 2:23-cr-00150-DJC

ORDER re: PRETRIAL RELEASE
(ECF Nos. 139-140)

Pending before the Court is the stipulation and proposed order submitted by Defendant Marcus Miller and the United States regarding Defendant's pretrial release, and to which Pretrial Services does not object. (ECF No. 140.)

Upon the request of Pretrial Services, a bail review hearing was held in the above captioned case on February 26, 2025 on the regular criminal duty calendar. (ECF No. 135.) On November 15, 2024, Defendant Marcus Miller was ordered released subject to supervision by Pretrial Services, release conditions, and on a \$100,000 unsecured bond. (ECF Nos. 107-110.) Special Condition No. 17 of Defendant's release required participation in a long term residential treatment program with the Delancey Street Foundation for at least two years. (ECF No. 108.) When Defendant reported to the Delancey Street Foundation to begin his program on February 19, 2025, he was not admitted into the program based on his pending federal criminal matter.

1 At the time of the February 26, 2025 bail review hearing, no suitable or
2 comparable long term residential treatment program has been identified by Pretrial
3 Services or defense counsel. As a result and as stated on the record at the hearing, the
4 Court found that there was no condition or combination of conditions of release that
5 would assure Defendant's appearance and the safety of another person or the
6 community. See 18 U.S.C. §§ 3142(f), 3142(g). The government did not object to
7 permitting Defendant to self-surrender, and defense counsel requested a self-surrender
8 date of Friday, February 28, 2025. The Court ordered Defendant to self-surrender to the
9 United States Marshal Service on Friday, February 28, 2025. (ECF No. 138.)

10 On February 27, 2025, Pretrial Services informed the Court that a suitable
11 residential treatment program was identified for Defendant after the February 26, 2025
12 hearing. The Court subsequently withdrew its detention order and defense counsel filed
13 the stipulation pending before the Court. (ECF Nos. 139, 140.)

14 **ORDER**


15 Good cause appearing and having been shown, it is ORDERED that:

16 1) Defendant Marcus Miller will not self-surrender to the custody of the United
17 States Marshal Service on February 28, 2025.

18 2) It is further ordered that Mr. Miller's special conditions of release will be
19 modified as provided in the attached Amended Special Conditions of Release dated
20 February 27, 2025.

21 3) Mr. Miller is ordered to enter into the Jericho Project's residential drug
22 rehabilitation program with a starting date and time of Friday, February 28, 2025, at
23 5:00 p.m.

24
25 Dated: February 27, 2025

26 
27 CHI SOO KIM
28 UNITED STATES MAGISTRATE JUDGE